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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/643,402	08/19/2003	Sten Kvist	Strom.7267	3995	
	55740 7590 05/20/2009 GAUTHIER & CONNORS, LLP			EXAMINER	
225 FRANKLII SUITE 2300			WONG, LESLIE A		
BOSTON, MA 02110			ART UNIT	PAPER NUMBER	
			1794		
			MAIL DATE	DELIVERY MODE	
			05/20/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)		
	10/643,402	KVIST ET AL.		
Office Action Summary	Examiner	Art Unit		
	Leslie Wong	1794		
The MAILING DATE of this communication ap Period for Reply	ppears on the cover sheet with the o	correspondence address		
A SHORTENED STATUTORY PERIOD FOR REPLEWHICHEVER IS LONGER, FROM THE MAILING DEVELORS - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period. Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION .136(a). In no event, however, may a reply be tired will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).		
Status				
Responsive to communication(s) filed on <u>Mar</u> This action is FINAL . 2b) ☑ This 3) ☐ Since this application is in condition for allowed closed in accordance with the practice under	is action is non-final. ance except for formal matters, pro			
Disposition of Claims				
4) Claim(s) 1,3,4,6-8,10,42 and 43 is/are pendin 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) 1,3,4,6-8,10,42 and 43 is/are rejecte 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/	awn from consideration.			
Application Papers				
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	cepted or b) objected to by the drawing(s) be held in abeyance. Se ction is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate		

Art Unit: 1794

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 31, 2009 has been entered.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 4, 6-8, 10, 42, and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3, 4, 6-8, 10, 42, and 43 are indefinite as to "substantially devoid of the endosperm fraction" as it is not clear what is encompassed by this phrase.

Claims 1, 3, 4, 6-8, 10, 42, and 43 are indefinite as to the use of "hydrolyation." It is not clear whether Applicant intends hydrolyzation.

Claims 42 and 43 are indefinite as to the use of "preferably" with respect to the pH and enzyme activity, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571)272-1411. The examiner can normally be reached on Tuesday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie Wong/ Primary Examiner, Art Unit 1794

LAW May 11, 2009